

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

AMERICAN GENERAL LIFE  
INSURANCE COMPANY,

Plaintiff,

V.

GOLDKLANG SAVINGS IRREVOCABLE  
TRUST, et al.,

Defendants.

CIVIL ACTION NO. 08-3489 (MLC)

O R D E R

**THE COURT** ordering the plaintiff – American General Life Insurance Company (“AGLIC”) – to show cause why the complaint should not be dismissed for lack of jurisdiction under 28 U.S.C. § (“Section”) 1332 (dkt. entry no. 6, Order to Show Cause (“OTSC”)); and AGLIC initially bringing this action for a judgment declaring an insurance policy to be void against only (1) Goldklang Savings Irrevocable Trust (“Trust”) and (2) Jeffrey Levitin, as the Trust’s trustee (dkt. entry no. 1, Compl.; dkt. entry no. 3, Am. Compl.); and AGLIC failing to properly assert jurisdiction under Section 1332, as detailed in the Order to Show Cause (see OTSC at 2-4); but

**AGLIC**, in response to the Order to Show Cause, arguing that it will seek leave to file a second amended complaint in order to assert claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 et seq. (dkt. entry no. 8, Pl. Br. at 1, 7-11); and AGLIC simultaneously filing a

motion for leave to file a second amended complaint ("Motion") (dkt. entry no. 9, Mot.); and AGLIC, in support of the Motion, annexing a proposed second amended complaint, which (1) asserts claims under RICO, and (2) adds Chaim Rubin as a defendant to this action (id., Ex. A, Proposed 2d Am. Compl. at 1, 32-36); and the Court noting that AGLIC has brought a separate action in the District of New Jersey asserting claims similar to those presented in the proposed second amended complaint against, among others, Levitin and Rubin, see American General Life Insurance Co. v. Ellman Savings Irrevocable Trust, No. 08-5364 (MLC), dkt. entry no. 1, Compl. at 1, 16-17; and thus it appearing, at this juncture, that there may be jurisdiction here under Section 1331; and for good cause appearing;

**IT IS THEREFORE** on this 12th day of January, 2009,  
**ORDERED** that the Order to Show Cause (dkt. entry no. 6) is **VACATED**  
**WITHOUT PREJUDICE**; and

**IT IS FURTHER ORDERED** that the Court will reinstate the  
Order to Show Cause following the determination of the pending  
motion for leave to file a second amended complaint, if  
appropriate; and

**IT IS FURTHER ORDERED** that the motion for leave to file a  
second amended complaint (dkt. entry no. 9) will be addressed by  
the Magistrate Judge, as noted by the Clerk of the Court on the  
docket.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge